

DONTZIN NAGY & FLEISSIG LLP

980 MADISON AVENUE
NEW YORK, N.Y. 10075
TELEPHONE (212) 717-2900
FAX (212) 717- 8088

HON. MICHAEL J. DONTZIN (1993-2012)
MATTHEW S. DONTZIN
TIBOR L. NAGY, JR
DAVID A. FLEISSIG.
TRACY O. APPLETON
JASON A. KOLBE

RUBEN G. PERLMUTTER
AMINA M. HAFEZ
GREGORY N. WOLFE
SUSAN S. HU
ASHER T. LOWENSTEIN
HEIDI R. SCHUMANN
WILLIAM H. LAGRANGE
DIEGO MARTINEZ-KRIPPNER
RICHARD J. SARCONI

March 28, 2022

Via ECF

Hon. Jesse M. Furman
United States District Judge
U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: Accent Delight Int'l Ltd. et al. v. Sotheby's et al., No. 18 Civ. 9011

Dear Judge Furman:

We represent non-party Sanford Heller. We are writing pursuant to your Individual Rule 7.C.i with regard to Sotheby's motion to seal at ECF 420. Sotheby's has sought to seal, among other things, Exhibit 29 to the "Declaration of Mikhail Sazonov," a contract between Mr. Heller and Plaintiff Accent Delight. (ECF No. 416-29). This document includes confidential and non-public information relating to Mr. Heller's professional dealings with a counterparty. Mr. Heller respectfully submits that Sotheby's motion should be granted to the extent it covers the contract and its terms.

The Second Circuit has instructed that "the privacy interests of innocent third parties should weigh heavily in a court's balancing equation." *Mirlis v. Greer*, 952 F.3d 51, 61 (2d Cir. 2020) (citing *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)) (internal ellipsis omitted). As the Court recently reiterated, these privacy interests are "[f]oremost among the competing concerns that a court weighing disclosure must consider" and "establish a venerable common law exception to the presumption of access." *Mirlis*, 952 F.3d at 61. (internal quotation marks omitted). Sealing this contract will protect these important privacy interests. *See, e.g., Dodona I, LLC v. Goldman,*

Sachs & Co., 119 F. Supp. 3d 152, 156 (S.D.N.Y. 2015) (agreeing that “generally, customer names, account numbers, and pricing information . . . overcome[] the presumption of public disclosure”); *Statoil (Nigeria) Ltd. v. Nigerian Nat'l Petroleum Corp.*, 2020 WL 3170566, at *1 (S.D.N.Y. June 15, 2020) (granting sealing request where document to be sealed would reveal “pricing information under contracts between Respondent and third-parties not relevant to this case”); *Skyline Steel, LLC v. PilePro, LLC*, 101 F. Supp. 3d 394, 413 (S.D.N.Y. 2015), *on reconsideration in part*, No. 13-CV-8171 JMF, 2015 WL 3739276 (S.D.N.Y. June 15, 2015) (same).

Accordingly, we respectfully request that the Court grant Sotheby’s motion to the extent it seeks to seal Exhibit 29 to the Declaration of Mikhail Sazonov.

Respectfully submitted,

/s/


David A. Fleissig

Application GRANTED temporarily. The Court will determine whether to maintain the document identified above under seal, in whole or in part, when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 420.

SO ORDERED.



March 29, 2022